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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15 IN RE PERSONALWEB TECHNOLOGIES,
 16 LLC, ET AL., PATENT LITIGATION

CASE NO.: 5:18-md-02834-BLF

FIRST AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

19 PERSONALWEB TECHNOLOGIES, LLC, a
 20 Texas limited liability company, and
 LEVEL 3 COMMUNICATIONS, LLC,
 21 a Delaware limited liability company,

Case No.: 5:18-cv-05966-BLF

22 Plaintiffs,

23 v.

24 RETAILMENOT, INC., a Delaware
 25 corporation,

26 Defendant.

1 Plaintiff PersonalWeb Technologies, LLC (“Plaintiff” or “PersonalWeb”) files this First
2 Amended Complaint (“Complaint”) for patent infringement against Defendant RetailMeNot, Inc.
3 (“Defendant”). Plaintiff PersonalWeb Technologies, LLC alleges:

4
5 **PRELIMINARY STATEMENT**

6 1. PersonalWeb and Level 3 Communications, LLC (“Level 3”) are parties to an
7 agreement between Kinetech, Inc. and Digital Island, Inc. dated September 1, 2000 (the “Agreement”).
8 Pursuant to the Agreement, PersonalWeb and Level 3 each own a fifty percent (50%) undivided
9 interest in and to the patents at issue in this action: U.S. Patent Nos. 6,928,442, 7,802,310, and
10 8,099,420 (“Patents-in-Suit”). Level 3 has joined in this Complaint pursuant to its contractual
11 obligations under the Agreement, at the request of PersonalWeb.

12 2. Pursuant to the Agreement, Level 3 has, among other rights, certain defined rights to
13 use, practice, license, sublicense and enforce and/or litigate the Patents-in-Suit in connection with a
14 particular field of use (“Level 3 Exclusive Field”). Pursuant to the Agreement PersonalWeb has,
15 among other rights, certain defined rights to use, practice, license, sublicense, enforce and/or litigate
16 the Patents-in-Suit in fields other than the Level 3 Exclusive Field (the “PersonalWeb Patent Field”).

17 3. All infringement allegations, statements describing PersonalWeb, statements
18 describing any Defendant (or any Defendant’s products) and any statements made regarding
19 jurisdiction and venue are made by PersonalWeb alone, and not by Level 3. PersonalWeb alleges that
20 the infringements at issue in this case all occur within, and are limited to, the PersonalWeb Patent
21 Field. Accordingly, PersonalWeb has not provided notice to Level 3—under Section 6.4.1 of the
22 Agreement or otherwise—that PersonalWeb desires to bring suit in the Level 3 Exclusive Field in its
23 own name on its own behalf or that PersonalWeb knows or suspects that Defendant is infringing or
24 has infringed any of Level 3’s rights in the patents.

THE PARTIES

1
2 4. Plaintiff PersonalWeb Technologies, LLC is a limited liability company duly organized
3 and existing under the laws of Texas with its principal place of business at 112 E. Line Street, Suite
4 204, Tyler, TX 75702.

5 5. Plaintiff Level 3 Communications, LLC is a limited liability company organized under
6 the laws of Delaware with its principal place of business at 100 CenturyLink Drive, Monroe,
7 Louisiana, 71203.

8 6. PersonalWeb’s infringement claims asserted in this case are asserted by PersonalWeb
9 and all fall outside the Level 3 Exclusive Field. Level 3 is currently not asserting patent infringement
10 in this case in the Level 3 Exclusive Field against any Defendant.

11 7. Defendant RetailMeNot, Inc. is, upon information and belief, a Delaware corporation
12 having a principal place of business or regular and established place of business at 301 Congress
13 Avenue, Suite 700, Austin, Texas 78701.

14
15 **JURISDICTION AND VENUE**

16 8. The court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a)
17 because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

18 9. Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)–(c) and
19 1400(b) because Defendant is incorporated in the State of Delaware and resides in such District.

20 10. Venue is also proper in this Court because this action has been transferred to this
21 District by the Judicial Panel on Multidistrict Litigation for consolidated pretrial proceedings pursuant
22 to 28 U.S.C. § 1407.

23 11. This court has personal jurisdiction over Defendant because, in addition to the
24 allegations in above paragraphs, on information and belief, Defendant is domiciled in the District of
25 Delaware. Further, Defendant purposefully directed activities at residents of Delaware, the claims
26 herein arise out of and relate to those activities, and assertion of personal jurisdiction over Defendant
27 would be fair.

1 sequence of bits.” Applied system-wide, this invention would permit any data item to be stored,
2 located, managed, synchronized, and accessed using its content-based identifier.

3 17. To create a substantially unique, content-based identifier, Lachman and Farber turned
4 to cryptography. Cryptographic hash functions, including MD4, MD5, and SHA, had been used in
5 computer systems to verify the integrity of retrieved data—a so-called “checksum.” Lachman and
6 Farber recognized that these same hash functions could be devoted to a vital new purpose: if a
7 cryptographic hash function was applied to a sequence of bits (a “data item”), it would produce a
8 substantially unique result value, one that: (1) virtually guarantees a different result value if the data
9 item is changed; (2) is computationally difficult to reproduce with a different sequence of bits; and
10 (3) cannot be used to recreate the original sequence of bits.

11 18. These cryptographic hash functions would thus assign any sequence of bits, based on
12 content alone, with a substantially unique identifier. Lachman and Farber estimated that the odds of
13 these hash functions producing the same identifier for two different sequences of bits (i.e., the
14 “probability of collision”) would be about 1 in 2 to the 29th power. Lachman and Farber dubbed their
15 content-based identifier a “True Name.”

16 19. Using a True Name, Lachman and Farber conceived various data structures and
17 methods for managing data (each data item correlated with a single True Name) within a network—
18 no matter the complexity of the data or the network. These data structures provide a key-map
19 organization, allowing for a rapid identification of any particular data item anywhere in a network by
20 comparing a True Name for the data item against other True Names for data items already in the
21 network. In operation, managing data using True Names allows a user to determine the location of
22 any data in a network, determine whether access is authorized, and to selectively provide access to
23 specific content not possible using the conventional naming arts.

24 20. On April 11, 1995, Lachman and Farber filed their patent application, describing these
25 and other ways in which content-based “True Names” elevated data-processing systems over
26 conventional file-naming systems. The first True Name patent issued on November 2, 1999. The last
27 of the Patents-in-Suit has expired, and the allegations herein are directed to the time period before
28 expiration of the last of the Patents-in-Suit.

1 driven by server-side software, upon receipt of a request from a browser (user). For example, a picture
2 of a building might be delivered as static content (a picture) whereas the latest traffic conditions may
3 be delivered dynamically based on real time traffic information.

4 26. The speed of a browser retrieving webpage base files and incorporated asset files can
5 be increased by the browser storing previously retrieved webpage base files and asset files in a browser
6 “cache” on the computer running the browser. If a browser’s user later requests a previously retrieved
7 webpage base file or requests a webpage that includes an asset file previously used by the browser in
8 rendering the same or a different webpage (for example, by reloading a webpage or visiting the same
9 webpage again), the browser may use the cached webpage base file or asset file rather than having to
10 download the same file repeatedly over the Internet again.

11 27. Two computers communicating over the Internet usually are not directly connected to
12 each other but rather interact via chains of network appliances and other computers (*e.g.*, “switches”
13 and “intermediate” servers). Many intermediate servers have caches similar to and complementing
14 the browser cache that store webpage base files and assets that pass through that intermediate server.
15 If a browser or server requests a file from the intermediate server that is present in that intermediate
16 server’s cache, the intermediate server can use the content in its cache to respond to the request rather
17 than send the request upstream towards the web server from which the file initially originated (also
18 called the “origin server”).

19 28. Responses to HTTP requests may include header elements (control elements) and a
20 body (the “object” that was requested). Under HTTP, web servers can include a “cache-control”
21 header with a response that includes a webpage or asset file. A “cache-control” header includes one
22 or more directives that instruct browsers and intermediate server caches (“intermediate caches”) as to
23 whether and for how long the file (object) included in the response may be cached or under what
24 circumstances and under what conditions the cached content may be used. HTTP also provides for
25 including other headers in responses that provide similar types of instructions to browsers and
26 intermediate caches. Collectively, these other headers and directives in a “cache-control” header are
27 referred to herein as “cache-control headers.”
28

1 whether they were still authorized to reuse the previously cached webpage base files of Defendant and
2 to instruct them to obtain newly authorized content in rendering Defendant's webpage when that
3 content had changed. In other words, whether the previously cached content was still considered valid
4 for use by the Defendant website operator.

5 35. On information and belief, Defendant thereby reduced the bandwidth and computation
6 required by its origin servers and any intermediate cache servers to field user requests to render
7 Defendant's webpages as those servers only need to serve files whose content has changed. On
8 information and belief, this has allowed for the efficient update of cached information only when such
9 content has changed, thereby reducing transaction overhead and bandwidth and allowing the
10 authorized content to be served from the nearest cache.

11 36. More particularly, on information and belief, each of Defendant's webpages included
12 a webpage base file (*e.g.*, a main or initial HTML file) and one or more asset files referenced in the
13 webpage base file (or referenced in other asset files that contained references to other asset files). On
14 information and belief, the references in the webpage base file to the asset files needed to render the
15 webpage were typically Uniform Resource Identifiers ("URIs"), which each typically included a
16 filename, the address of a host server from which the asset file could be retrieved, and a "path" to the
17 location of that asset file on that server.

18 37. On information and belief, for at least one of the asset files ("CBI ETag asset files"),
19 the asset file comprised a sequence of bits and an associated ETag value was generated by Defendant
20 by applying a hash function to the sequence of bits; wherein any two CBI ETag asset files comprising
21 identical sequences of bits had identical associated ETag values. Thus, on information and belief,
22 when a CBI ETag asset file's content was changed a new associated ETag value was generated by
23 Defendant. On information and belief, Defendant caused the origin server for each CBI ETag asset
24 file to serve such CBI ETag asset file with its associated Etag value in response to HTTP GET requests
25 for the CBI ETag asset file.

26 38. On information and belief, Defendant contracted with Amazon to use Amazon's S3
27 system to store and serve at least some of Defendant's CBI ETag files ("S3 asset files") on its behalf.
28 On information and belief, once Defendant's S3 asset files were compiled and are complete, Defendant

1 uploaded them to an Amazon S3 server as objects. On information and belief, such objects comprised
2 a sequence of bits and, upon upload, an associated ETag value was generated by the S3 system on
3 behalf of Defendant by applying a hash function to the sequence of bits, wherein any two S3 asset
4 files comprising identical sequences of bits had identical associated ETag values. On information and
5 belief, in this way, Defendant generated the associated ETag values for its CBI ETag asset files that
6 were S3 asset files. On information and belief, the S3 server for each S3 asset file served the S3 asset
7 file with the its associated ETag value to HTTP GET requests for the S3 asset file.

8 39. On information and belief, when Defendant created a webpage base file for a webpage,
9 whether dynamic or static, that webpage base file included a sequence of bits and an associated ETag
10 value was generated by Defendant by applying a hash function to the sequence of bits; wherein any
11 two webpage base files comprising identical sequences of bits had identical associated ETag values.
12 Thus, on information and belief, when a webpage base file's content was changed and a new associated
13 ETag value was generated by Defendant, it thereafter instructed the respective service by intermediate
14 cache servers or use by endpoint caches such as browser caches to no longer use the previous cached
15 webpage base file's content.

16 40. On information and belief, when an intermediate cache server or a browser requested
17 a webpage from the Defendant for the first time, it sent an HTTP GET request with the webpage's
18 URI and Defendant's origin server or an upstream cache server responded by sending an HTTP 200
19 (OK) response message containing the webpage base file, along with its respective associated ETag.
20 On information and belief, a browser then sent individual HTTP GET requests, each with an asset
21 file's URI that was referenced in the webpage base file, and the asset files' origin servers or
22 intermediate cache servers responded by sending individual HTTP 200 responses containing the
23 requested asset files, along with, if available, their respective associated ETags. On information and
24 belief, upon receipt of the HTTP 200 responses, the intermediate cache server or browser cached the
25 webpage base file and asset files with their associated URI and associated ETag values and the browser
26 used them in rendering the requested web page of the Defendant. On information and belief, the origin
27 servers, intermediate cache servers, and browser caches were caused to maintain databases/tables
28

1 which mapped the URIs of webpage base files and asset files to their respective responses and, if
2 applicable, associated cache-control headers and ETags.

3 41. On information and belief, by responding to an HTTP GET request for a given webpage
4 by transmitting content of a webpage base file or asset file with an associated ETag, Defendant
5 instructed the browser cache and all intermediate cache servers, to use an HTTP conditional GET
6 request the next time that webpage base file or asset file is requested. More specifically, on information
7 and belief, the browser or intermediate cache is instructed to include the ETag in the HTTP conditional
8 GET request with an “If-None-Match” header to re-verify that they are still authorized to serve or use
9 that content or determine that they are no longer authorized to use that content and therefore must use
10 new content.

11 42. On information and belief, Defendant did this, for example, by causing cache-control
12 headers to be included in HTTP responses containing its webpage base file or asset files. On
13 information and belief, Defendant benefits from using the ETags to control the distribution of its
14 webpage content by communicating to a downstream cache and to a browser which of Defendant’s
15 cached webpage base files it is reauthorized to serve/use and what newly authorized files it must first
16 obtain in serving/rendering Defendant’s webpages.

17 43. More particularly, on information and belief, when a browser again requested the
18 Defendant’s webpage, the browser either used a cached copy, if allowed by the cache-control headers,
19 or retrieved a new copy of the webpage base file for Defendant’s webpage. Similarly, on information
20 and belief, for asset files referenced in the new or cached webpage base file, the browser either used a
21 cached copy, if allowed by the cache-control headers, or retrieved a new copy of the asset files for
22 Defendant’s webpage.

23 44. On information and belief, for a webpage base file or an asset file stored in the
24 browser’s cache with an ETag, and based on the cache-control headers received in the original
25 response, the browser sent a conditional GET request with an If-None-Match header using the
26 associated ETag value and the URI for the webpage base file or asset file so as to be notified whether
27 the browser still had Defendant’s authority to render the webpage with its locally cached webpage
28

1 base file or asset file. In other words, whether the cached content was still valid for use in rendering
2 Defendant's webpage.

3 45. On information and belief, under most circumstances, a responding intermediate cache
4 server having content cached for the URI in the conditional GET request and having an ETag for that
5 URI responded to the request by determining whether it had the same associated ETag value for that
6 URI. If it had no ETag value for that URI, on information and belief, the request was passed up to an
7 upstream intermediate cache server capable of responding or, if none, to the URI's origin server, which
8 responded to the request. On information and belief, if the intermediate cache server did not have
9 content cached for the URI in the conditional GET request, the request was similarly passed up to an
10 upstream intermediate cache server capable of responding or, if none, to the URI's origin server.

11 46. On information and belief, if the responding server had the webpage content for that
12 URI and there was a match between the ETag it received in the request with the ETag it currently had
13 associated for that URI, it sent back an HTTP 304 (Not Modified) response message; this message
14 notifying the browser that the same webpage content was present at the responding server and that the
15 browser was still authorized to use that previously cached webpage base file or asset file to render the
16 webpage. On information and belief, upon receipt of the HTTP 304 response, the browser accessed
17 the locally cached webpage base file or asset file in rendering the webpage.

18 47. On information and belief, if the webpage base file's or asset file's associated ETag
19 sent by the browser in the conditional GET If-None-Match request did not match the associated ETag
20 maintained at the responding server (or other intermediate cache servers further upstream or the origin
21 server) for that URI, the responding server sent back an HTTP 200 response along with the new
22 webpage base file or asset file and its new ETag value. The HTTP 200 response indicated to the
23 browser that it was not authorized to use (or serve, in the case of an intermediate cache server receiving
24 the HTTP 200 response) the previously cached webpage base file or asset file. In response to receiving
25 the HTTP 200 response, the browser (or intermediate cache server) was instructed to update its
26 respective cache with the new webpage base file or asset file and associated ETag. The browser
27 subsequently used the new webpage base file (and the asset file URIs contained therein) or asset file
28 to render the webpage.

1 48. Exhibit 1 to the complaint lists specific examples of files that were, on information and
2 belief, served by or on behalf of Defendant during the relevant time period. The examples in Exhibit
3 1 include: a webpage base file served with a content-based ETag for the webpage base file; an asset
4 file not served by S3 with a content-based ETag, not generated by S3, for that asset file; and an asset
5 file served by S3 with a content-based ETag generated by S3 for that asset file.

6 49. On information and belief, in this manner, Defendant used ETag values based on the
7 asset files' content to control the behavior of downstream intermediate cache servers and browser
8 caches to assure that they only accessed and used Defendant's latest authorized webpage content to
9 serve or to render its webpages.

10
11 **FIRST CLAIM FOR RELIEF**

12 **INFRINGEMENT OF U.S. PATENT NO. 6,928,442**

13 50. PersonalWeb repeats and realleges paragraphs 1–49, as if the same were fully stated
14 herein.

15 51. On August 9, 2005, United States Patent No. 6,928,442 (the "'442 patent") was duly
16 and legally issued for an invention entitled "Enforcement and Policing of Licensed Content Using
17 Content-Based Identifiers." PersonalWeb has an ownership interest in the '442 patent by assignment,
18 including the exclusive right to enforce the '442 patent within the PersonalWeb Patent Field, and
19 continues to hold that ownership interest in the '442 patent. A true and correct copy of the '442 patent
20 is attached as Exhibit 2.

21 52. Defendant has infringed at least claims 10 and 11 of the '442 patent by its manufacture,
22 use, sale, importation, and/or offer for sale of products or services, and/or controlling the distribution
23 of its webpage content in the manner described herein. Defendant's infringement is literal and/or
24 under the doctrine of equivalents and Defendant is liable for its infringement of the '442 patent
25 pursuant to 35 U.S.C. § 271.

26 53. For example, claim 10 covers "a method, in a system in which a plurality of files are
27 distributed across a plurality of computers." On information and belief, Defendant has used a system
28 of notifications and authorizations to distribute a plurality of files, *e.g.*, Defendant's files containing

1 content necessary to render its webpages, across a plurality of computers such as production servers,
2 origin servers, intermediate cache servers and endpoint caches used by browsers rendering
3 Defendant's webpages.

4 54. Claim 10 then recites the act of "obtaining a name for a data file, the name being based
5 at least in part on a given function of the data, wherein the data used by the function comprises the
6 contents of the particular file." As set forth above, on information and belief, Defendant generated or
7 otherwise obtained ETags for its webpage base file and asset files used to render its webpages using a
8 hash function, wherein the ETags were based on the contents of the particular files. Moreover,
9 Defendant caused the intermediate caches servers and endpoint caches to obtain the ETags in HTTP
10 200 responses sent from Defendant's origin servers. On information and belief, Defendant caused
11 intermediate cache servers and its origin servers to obtain ETags in conditional GET messages from
12 endpoint and intermediate caches, as described *supra*.

13 55. Claim 10 then recites the act of "determining, using at least the name, whether a copy
14 of the data file is present on at least one of said computers." On information and belief, as set forth
15 above, Defendant has caused its origin servers and the intermediate cache servers between an endpoint
16 cache and one of its origin servers to, in response to receiving a conditional GET request with an If-
17 None-Match header, determine whether it has a file present that matches the URI in the conditional
18 GET and to compare the ETag in the conditional GET to the ETag for that URI and determine whether
19 a copy of the content having that ETag is present.

20 56. Claim 10 then recites the act of "determining whether a copy of the data file that is
21 present on a at least one of said computers is an unauthorized copy or an unlicensed copy of the data
22 file." On information and belief, as set forth above, if there was a match, the origin or intermediate
23 cache server determined that the copy of the file present at the downstream intermediate cache server
24 and/or the endpoint cache was an authorized or licensed copy of the data file. Conversely, if there was
25 no match, it determined that the copy of the file present at the downstream intermediate cache server
26 and/or the endpoint cache was an unauthorized copy of the data file. Likewise, if the browser
27 determined that it had a file with a matching URI, the browser determined that it was still authorized
28 to use that file.

1 including at least a content-dependent name of a particular data item, the content-dependent name
2 being based at least in part on a function of at least some of the data comprising the particular data
3 item, wherein the function comprises a message digest function or a hash function, and wherein two
4 identical data items will have the same content-dependent name.” On information and belief, as set
5 forth above, Defendant has caused downstream intermediate cache servers and endpoint caches to
6 send conditional GET requests with If-None-Match headers containing ETags that are fielded by
7 upstream cache or origin servers. On information and belief, the ETags were content-dependent names
8 for a data item based on hashing the data item’s contents; and when the file’s content changed a new
9 content-dependent name was determined. On information and belief, in Defendant’s method, a first
10 computer, such as the intermediate cache server or origin server, received such conditional GET
11 requests from a second computer, such as a user browser or other intermediate cache server, regarding
12 data items, such as webpage or asset files, the requests including ETags associated with the respective
13 data items.

14 63. Claim 20 then recites “based at least in part on said content-dependent name of said
15 particular data item, the first device (A) permitting the content to be provided to or accessed by the at
16 least one other computer if it is not determined that the content is unauthorized or unlicensed,
17 otherwise, (B) if it is determined that the content is unauthorized or unlicensed, not permitting the
18 content to be provided to or accessed by the at least one other computer.” On information and belief,
19 the first computer, such as an upstream intermediate cache server or origin server, maintained a
20 plurality of ETags associated with Defendant’s asset and webpage base files. On information and
21 belief, the ETag in a request and the ETag maintained by the first computer for the particular data item
22 sought by the request were compared to determine whether the associated content present at the
23 downstream computer was still authorized to be used/served or whether new authorized content must
24 be provided thereto. If it was determined that the data item corresponding to the received ETag was
25 still authorized to be used, the first computer sent back an HTTP 304 response authorizing the
26 downstream cache server or end-user cache to access the file content already present in order to serve
27 it or to use it to render the webpage. On information and belief, if it had been determined that the data
28 item corresponding to received E-tag was no longer authorized, the first computer sent back an HTTP

1 200 response which indicated to the downstream cache server or end-user cache that was not
2 authorized to access the old content and must access the new authorized file content contained in the
3 HTTP 200 response to serve it or to use it to render the webpage.

4 64. Defendant's acts of infringement have caused damage to PersonalWeb and
5 PersonalWeb is entitled to recover from Defendant the damages sustained by PersonalWeb as a result
6 of Defendant's wrongful acts in an amount subject to proof at trial.

7
8 **THIRD CLAIM FOR RELIEF**

9 **INFRINGEMENT OF U.S. PATENT NO. 8,099,420**

10 65. PersonalWeb repeats and realleges paragraphs 1–49, as if the same were fully stated
11 herein.

12 66. On January 17, 2012, United States Patent No. 8,099,420 (the "'420 patent") was duly
13 and legally issued for an invention entitled "Accessing Data in a Data Processing System."
14 PersonalWeb has an ownership interest in the '420 patent by assignment, including the exclusive right
15 to enforce the '420 patent within the PersonalWeb Patent Field, and continues to hold that ownership
16 interest in the '420 patent. A true and correct copy of the '420 patent is attached as Exhibit 4.

17 67. Defendant has infringed claims 25, 26, 27, 29, 30, 32, 34–36, and 166 of the '420 patent
18 by its manufacture, use, sale, importation, and/or offer for sale of products or services, and/or
19 controlling the distribution of its webpage content in the manner recited herein. Defendant's
20 infringement is literal and/or under the doctrine of equivalents and Defendant is liable for its
21 infringement of the '420 patent pursuant to 35 U.S.C. § 271.

22 68. For example, claim 166 covers a "system comprising hardware, including at least a
23 processor, and software, in combination with said hardware." On information and belief, Defendant
24 has controlled the distribution of its website content across a system that included hardware including
25 a processor, such as its production servers as well as origin servers, intermediate cache servers, and
26 endpoint caches; and software, in combination with such hardware, such as a web development
27 framework, software utilized in implementing the HTTP web protocol, and the software used on host
28 servers that Defendant used to serve its webpages.

1 69. Claim 166 then recites “(A) for a particular data item in a set of data items, said
2 particular data item comprising a corresponding particular sequence of bits.” On information and
3 belief, Defendant’s system has controlled the distribution of webpage base files and asset files
4 necessary to render its webpages which represent particular data items, and each of these files comprise
5 a corresponding sequence of bits.

6 70. Claim 166 then recites that for the particular data item to “(a1) determine one or more
7 content-dependent digital identifiers for said particular data item, each said content-dependent digital
8 identifier being based at least in part on a given function of at least some of the bits in the particular
9 sequence of bits of the particular data item, wherein two identical data items will have the same digital
10 identifiers as determined using said given function.” On information and belief, Defendant’s system
11 has applied hash functions to each of various Defendant’s webpage base files to all of the bits of the
12 file’s content to determine an ETag for the file’s content; whereby two identical data items have the
13 same ETag values. On information and belief, ETag values were associated with files’ URIs.

14 71. Claim 166 then recites that for the particular data item “(a2) selectively permits the
15 particular data item to be made available for access and to be provided to or accessed by or from at
16 least some of the computers in a network of computers, wherein the data item is not to be made
17 available for access or provided without authorization, as resolved based, at least in part, on whether
18 or not at least one of said one or more content-dependent digital identifiers for said particular data item
19 corresponds to an entry in one or more databases, each of said one or more databases comprising a
20 plurality of identifiers, each of said identifiers in each said database corresponding to at least one data
21 item of a plurality of data items, and each of said identifiers in each said database being based, at least
22 in part, on at least some of the data in a corresponding data item.”

23 72. On information and belief, Defendant’s system has included one or more web servers
24 with databases containing ETag values associated with the URIs for various of the webpage base files
25 and asset files necessary to render its webpages; moreover, Defendant’s system has used a system of
26 conditional GET requests with If-None-Match headers and HTTP 304 and HTTP 200 responses
27 containing the ETags, as described more particularly *supra*, to ensure that downstream caches only
28 access authorized file content to either serve that file content further downstream or to use it to render

1 Defendant's webpages. On information and belief, in particular, as more fully described *supra*, the
2 system compared the ETag received in a given conditional GET request with the ETags contained in
3 the database to selectively determine whether the requesting computer could access the file content it
4 already had or must access newly received authorized content.

5 73. Defendant's acts of infringement have caused damage to PersonalWeb and
6 PersonalWeb is entitled to recover from Defendant the damages sustained by PersonalWeb as a result
7 of Defendant's wrongful acts in an amount subject to proof at trial.

8
9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff PersonalWeb requests entry of judgment in its favor and against
11 Defendant as follows:

12 a) Declaration that Defendant has infringed U.S. Patent Nos. 6,928,442, 7,802,310, and
13 8,099,420 as described in this action;

14 b) Awarding the damages arising out of Defendant's infringement of U.S. Patent Nos.
15 6,928,442, 7,802,310, and 8,099,420, together with pre-judgment and post-judgment interest, in an
16 amount according to proof;

17 c) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by
18 law; and

19 d) For costs incurred and such other and further relief as the Court may deem just and
20 proper.

21
22 Respectfully submitted,

23 Dated: October 4, 2018

STUBBS, ALDERTON & MARKILES, LLP

24
25 By: /s/ Sandeep Seth

26 Michael A. Sherman
27 Jeffrey F. Gersh
28 Sandeep Seth
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DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b) and Local Rule 3–6, Plaintiff PersonalWeb Technologies, LLC hereby demands a trial by jury on all issues triable in this action.

Respectfully submitted,

Dated: October 4, 2018

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